

R. M. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge LaJeunesse's dismissal, without prejudice,¹ of Mr. M.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

ISSUE PRESENTED

Was Mr. M.'s Application For Hearing properly dismissed, without prejudice, for Mr. M.'s failure to submit supporting medical information?

BACKGROUND

On May 27, 2003, Mr. M. filed an Application For Hearing with the Labor Commission's Adjudication Division. Mr. M.'s Application sought to compel Creative Office Concepts to pay medical expenses and disability compensation for back injuries Mr. M. allegedly suffered while employed by Office Concepts on November 22, 2002.

The Application For Hearing is a printed form provided by the Adjudication Division. At the bottom of the Application's front page, it advises that Applications "not including employee's supporting documentation and information referenced on the reverse side of this form will be filed, but returned for completion in full." On the reverse side, the Application requires submission of "copies of medical records summaries or medical documentation supporting claim(s)."

Mr. M. did not submit a medical records summary or other medical documentation with his Application. On May 29, 2003, the Adjudication Division returned the Application to Mr. M. with instructions to either submit a summary of medical records completed by his physician, or submit copies of his medical records. The Division also notified Mr. M. that his Application would be dismissed without prejudice if the medical information was not filed within 60 days.

By August 5, 2003, because Mr. M. had not submitted the required medical documentation, Judge LaJeunesse dismissed Mr. M.'s Application without prejudice. In doing so, Judge LaJeunesse cited the Commission's Rule 602-2-1, which provides that "(a)ll such applications shall include supporting medical documentation of the claim where there is a dispute over medical issues."

Mr. M. now seeks reinstatement of his Application on the grounds that he has submitted the necessary medical records summary to "Hospital Administrators, L.D.S.", but has not received the completed summary back.

DISCUSSION

While the Appeals Board is sympathetic with Mr. M.'s apparent difficulty in obtaining a

completed medical records summary from his medical provider, it remains Mr. M.'s obligation to establish the medical basis for his claim for workers' compensation benefits. The Appeals Board notes that Mr. M. can satisfy that requirement either by submitting a completed medical records summary or by submitting medical records.

In light of Mr. M.'s failure to submit the medical information necessary to support his Application For Hearing, the Appeals Board concludes that Judge LaJenuesse properly dismissed the Application without prejudice. This dismissal does not prevent Mr. M. from refiling his Application in the future when he has obtained medical documentation of his claim. However, any future Application must be filed within the time limits established by the Workers' Compensation Act and must satisfy the other procedural and substantive requirements of the Act.

ORDER

The Appeals Board affirms Judge LaJeunesse's decision and denies Mr. M.'s motion for review. It is so ordered.

Dated this 31st day of October, 2003.

Colleen S. Colton, Chair
Patricia S. Drawe
Joseph E. Hatch

1. By dismissing Mr. Menke's Application "without prejudice," Judge LaJeunesse indicated that no determination had been made on the merits of the claim and that Mr. Menke could pursue his claim in the future by filing a new Application For Hearing when he had obtained the necessary medical documentation.